

**REMARKS**

This is a full and timely response to the non-final Office Action of June 27, 2005.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this First Response, claims 1-25 are pending in this application. The specification and claims 1, 6-8, 11, 12, and 14 are directly amended herein, and claims 17-25 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

**Response to §112 Rejections**

Claim 6 presently stands rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 6 has been amended herein thereby mooting the rejection under 35 U.S.C. §112, second paragraph. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, second paragraph, rejection of pending claim 6 be withdrawn.

**Response to §102 Rejections**

“Anticipation under 35 U.S.C. §102 requires the presence in a single prior art disclosure of *each and every* element of the claimed invention.” *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747; 3 U.S.P.Q.3d 1766 (Fed. Cir. 1987).

## Claim 1

Claim 1 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano* (U.S. Patent No. 6,308,205). Claim 1, as amended, reads as follows:

1. An element management system (EMS) for managing elements of a communication network, comprising:

memory for storing template data, ***the template data having a user defined value indicative of how a network element attribute is to be provisioned;*** and

a system controller configured to identify a plurality of network elements within the communication network based on user input and to ***automatically provision the network element attribute for each of the identified network elements based on the user defined value stored in memory.*** (Emphasis added).

Applicants respectfully assert that *Carcerano* fails to disclose at least the features of claim 1 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of pending claim 1 is improper.

In this regard, it is alleged in the Office Action that:

“*Carcerano* discloses the invention substantially as claimed, including a system and method for managing elements of a communication network, comprising:

Memory for storing template data, the template data indicative of control values for controlling a network element is matched (*Carcerano* discloses a database contains configuration information templates wherein configuration parameters can be changed or updated by the remote workstations: Fig 5, items 105, 107; column 2, lines 46-53).

A system controller configured to identify a plurality of network elements within the communication network based on user input and to automatically provision each of the identified network elements based on the template data: (User can make a change on device configuration by fill in information in a blank or make a selection from a drop-down menu: Fig. 7, items 127; column 15, lines 57-64)."

The configuration information in the database of *Carcerano* appears to indicate the configuration of network devices being monitored by a server. Further, the configuration information in the database is managed by the server, and a user may change the configuration of a particular network device or “targeted device” by submitting a request to the server. See column 11, lines 33-63. Presumably, such a request may include a “user defined value” that indicates how the targeted device is to be changed, and the server may update the configuration

of the targeted device based on this “user defined value.” However, it appears that such a user request affects only the targeted device. Moreover, it appears that, to change the same network element attribute for a different network device, a new user request directed to the different network device would be submitted.

In the present invention, as defined by claim 1, “template data” can be used by a “system controller” to “automatically” provision the same network element attribute for a plurality of network elements. Thus, in stark contrast to *Carcerano*, it is unnecessary for a user to submit multiple requests to update the same network element attribute for multiple network elements. Indeed, as described by claim 1, the same “network element attribute” for each of a plurality of network elements is “automatically” provisioned based on the *same* “user defined value” stored in memory. There is no such “user defined value” disclosed by *Carcerano*. Thus, *Carcerano* fails to disclose at least “template data having a user defined value indicative of how a network element is to be provisioned” and a “system controller configured to... automatically provision the network element attribute for *each* of the identified network elements based on the user defined value stored in memory,” as recited by claim 1. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that *Carcerano* fails to disclose each feature of claim 1. Thus, the 35 U.S.C. §102 rejection of claim 1 should be withdrawn.

### Claims 2-7, 18, and 19

Claims 2-7 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Further, claims 18 and 19 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 2-7, 18, and 19 contain all features of their respective independent claim 1. Since claim 1 should be allowed,

as argued hereinabove, pending dependent claims 2-7, 18, and 19 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 8**

Claim 8 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Claim 8, as amended, reads as follows:

8. An element management system (EMS) for managing elements of a communication network, comprising:  
memory; and

a system controller configured to receive a provision template and to store the provision template in the memory, the provision template having control values, ***each of the control values for controlling a respective network element attribute***, the system controller configured to receive a request that identifies the provision template and to retrieve the provision template in response to the request, the system controller further configured to select a plurality of network elements within the communication network and ***to automatically provision each of the selected network elements based on each of the control values of the retrieved provision template***. (Emphasis added).

Applicants respectfully assert that *Carcerano* fails to disclose at least the features of claim 8 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of pending claim 8 is improper.

In this regard, in rejecting claim 8, it is asserted in the Office Action that:

“*Carcerano* discloses the invention substantially as claimed, including a system for managing elements of a communication network, comprising:

Memory: (Fig 4, item 93).

A system manager configured to receive a provision template and to store the provision template in the memory, the provision template indicative of control values for controlling a network element, the system manager configured to receive a request that identifies the provision template and to retrieve the provision template in response to the request, the system manager further configured to select a plurality of network elements within the communication network and to automatically provision each of the selected network elements based on the retrieved provision template: (a template retrieves from the database to update information according to user requesting, then the updated template is stored back into database: Fig 5, items 107, 105; column 2, lines 35-61.”

Thus, it is alleged in the Office Action that the database of *Carcerano* stores “control values for controlling a network element.” However, there is nothing in *Carcerano* to indicate that any of the alleged “control values” is used to provision *each* of a plurality of network elements. Accordingly, *Carcerano* fails to disclose a “system controller configured … to automatically provision *each* of the selected network elements based on *each* of the control values of the retrieved provision template,” as described by claim 8. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that *Carcerano* fails to disclose each feature of claim 8. Thus, the 35 U.S.C. §102 rejection of claim 8 should be withdrawn.

### **Claims 9-11 and 20**

Claims 9-11 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Further, claim 20 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 9-11 and 20 contain all features of their respective independent claim 8. Since claim 8 should be allowed, as argued hereinabove, pending dependent claims 9-11 and 20 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 12

Claim 12 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Claim 12, as amended, reads as follows:

12. A method for managing elements of a communication network, comprising the steps of:

receiving template data, *the template data having user defined values for controlling different network element attributes*;

identifying a plurality of network elements within the communication network based on user input;

*automatically provisioning each of the identified network elements based on the user defined values, one of the user defined values for controlling a particular network element attribute, and*

*automatically controlling the particular network attribute for each of the identified network elements based on the one user defined value of the template data.* (Emphasis added)

For at least reasons similar to those set forth above in the arguments for allowance of claim 1, Applicants assert that *Carcerano* fails to disclose that the same “user defined value” is used to control the same “network element attribute” for a plurality of network elements. Accordingly, Applicants submit that *Carcerano* fails to disclose at least the features of claim 12 highlighted above, and the 35 U.S.C. §102 rejection of claim 12 should, therefore, be withdrawn.

### Claim 13

Claim 13 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Applicants submit that the pending dependent claim 13 contains all features of its independent claim 12. Since claim 12 should be allowed, as argued hereinabove, pending dependent claim 13 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 14

Claim 14 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Claim 14, as amended, reads as follows:

14. A method for managing elements of a communication network, comprising the steps of:

defining a provision template based on user input, the provision template having control values, *each of the control values for controlling a respective network element attribute*;

receiving a request that identifies the provision template;  
retrieving the provision template in response to the request;  
selecting a plurality of network elements within the communication network; and

*automatically provisioning each of the selected network elements based on each of the control values of the retrieved provision template.*  
(Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 8, Applicants submit that *Carcerano* fails to disclose at least the features of claim 14 highlighted above. Accordingly, the 35 U.S.C. §102 rejection of claim 14 should be withdrawn.

### Claims 15-17

Claims 15 and 16 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Carcerano*. Further, claim 17 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 15-17 contain all features of their respective independent claim 14. Since claim 14 should be allowed, as argued hereinabove, pending dependent claims 15-17 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 21

Claim 21 has been newly added via the amendments set forth herein. Claim 21 presently reads as follows:

21. An element management method, comprising the steps of:  
defining a first provision template having a user defined value for a  
network element attribute; and  
provisioning a first plurality of network elements based on the first  
provision template, wherein the provisioning a first plurality of network  
elements step comprises the step of automatically setting, within each of the first  
plurality of network elements, a control value for the network element attribute  
based on the user defined value of the first provision template.

Applicants respectfully submit that the cited art fails to disclose or suggest each of the above features of pending claim 21. Accordingly, claim 21 is allowable.

### Claims 22-25

Claims 22-25 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 22-25 contain all features of their respective independent claim 21. Since claim 21 should be allowed, as argued hereinabove, pending dependent claims 22-25 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

**CONCLUSION**

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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